

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PIMENIO V. HERRERA,

8:12CV321

Plaintiff,

v.

**MEMORANDUM
AND ORDER**

TAMMY MOWRY, in their
individual capacity, MONTE
HOVIC, in their individual capacity,
JESSE ROBINS, in their individual
capacity, HAHN, Deputy, in their
individual capacity, STEPHENS,
Deputy, in their individual capacity,
and JEREMY BRUNGARD, in their
individual capacity,

Defendants.

This matter is before the court on Plaintiff's Motion to Amend Complaint. (Filing No. [22](#).) Pursuant to Federal Rule of Civil Procedure 15(a), a party may amend its pleading once as a matter of course within 21 days after serving it or, if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a Rule 12(b) motion, whichever is earlier. [Fed. R. Civ. P. 15\(a\)](#).

Here, Defendants were served with the Complaint on March 11, 2013, and Plaintiff moved to amend the Complaint on March 15, 2013. Thus, he may amend his Complaint as a matter of course. However, because Plaintiff references his original Complaint in his Amended Complaint, the court will treat the Amended Complaint as supplemental to the original Complaint. See [NECivR 15.1\(b\)](#) (stating court may consider amended pleadings as supplemental to, rather than as superseding, the original pleading in pro se cases). Separately, the court reminds Plaintiff that he

has until June 12, 2013, to complete service of process on Defendants. It appears from the Docket Sheet and the parties filings that, to date, Plaintiff has not obtained service of process on Jesse Robins or Jeremy Brungard. All other Defendants have answered Plaintiff's Complaint. (*See* Filing No. [15](#).)

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Amend Complaint is granted. (Filing No. [22](#).)
2. The court directs the clerk's office to file Plaintiff's Proposed Second Amended Complaint (Filing No. [22-1](#)) as a Second Amended Complaint.

DATED this 18th day of April, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.